

SENATE AMENDMENTS

2nd Printing

By: Guillen

H.B. No. 2304

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the hours of instruction provided in barbering and
3 cosmetology schools.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Section 1603.351, Occupations Code, is amended
6 by adding Subsection (a-1) to read as follows:

7 (a-1) Notwithstanding any other law, the commission may
8 adopt rules to:

9 (1) authorize a school licensed under this chapter,
10 Chapter 1601, or Chapter 1602 to account for any hours of
11 instruction completed under those chapters on the basis of clock
12 hours or credit hours; and

13 (2) establish standards for determining the
14 equivalency and conversion of clock hours to credit hours and
15 credit hours to clock hours.

16 SECTION 2. This Act takes effect September 1, 2017.

ADOPTED

MAY 23 2017

Atty. Gen. Saw
Secretary of the Senate

By: Quillen

H.B. No. 2304

Substitute the following for H.B. No. 2304:

By: *C. Schwab*

C.S.H.B. No. 2304

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the regulation of barbering and cosmetology.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

4 SECTION 1. Section 1602.254(b), Occupations Code, is
5 amended to read as follows:

6 (b) To be eligible for an operator license, an applicant
7 must meet the requirements of Subsection (c) or:

8 (1) be at least 17 years of age;

9 (2) have obtained a high school diploma or the
10 equivalent of a high school diploma or have passed a valid
11 examination administered by a certified testing agency that
12 measures the person's ability to benefit from training; and

13 (3) have completed:

14 (A) 1,000 [~~1,500~~] hours of instruction in a
15 licensed beauty culture school; or

16 (B) 1,000 hours of instruction in beauty culture
17 courses and 500 hours of related high school courses prescribed by
18 the commission in a vocational cosmetology program in a public
19 school.

20 SECTION 2. Section 1602.451(a), Occupations Code, is
21 amended to read as follows:

22 (a) The holder of a private beauty culture school license
23 shall:

24 (1) maintain a sanitary establishment;

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- 1 (2) maintain on duty one licensed instructor for each
- 2 25 students in attendance;
- 3 (3) maintain a daily record of students' attendance;
- 4 (4) establish regular class and instruction hours and
- 5 grades;
- 6 (5) require a school term of not less than six [~~nine~~]
- 7 months and not less than 1,000 [~~1,500~~] hours instruction for a
- 8 complete course in cosmetology;
- 9 (6) require a school term of not less than 600 hours
- 10 instruction for a complete course in manicuring;
- 11 (7) hold examinations before issuing diplomas;
- 12 (8) maintain a copy of the school's curriculum in a
- 13 conspicuous place and verify that the curriculum is being followed;
- 14 (9) publish in the school's catalogue and enrollment
- 15 contract a description of the refund policy required under Section
- 16 1602.458; and
- 17 (10) provide the department with information on:
- 18 (A) the current course completion rates of
- 19 students who attend a course of instruction offered by the school;
- 20 and
- 21 (B) job placement rates and employment rates of
- 22 students who complete the course of instruction.

23 SECTION 3. Section 1603.102, Occupations Code, is amended

24 to read as follows:

25 Sec. 1603.102. SANITATION RULES. (a) The commission shall

26 establish sanitation rules to prevent the spread of an infectious

27 or contagious disease.

1 (b) Rules adopted under this section applicable to an
2 individual or facility regulated under Chapter 1602 shall be
3 consistent with the standards and terminology related to safety and
4 sanitation that are commonly used in the cosmetology industry.

5 SECTION 4. Section 1603.255, Occupations Code, is amended
6 to read as follows:

7 Sec. 1603.255. EARLY EXAMINATION. The department may allow
8 for the early written examination of a student who has completed the
9 following number of hours of instruction in a department-approved
10 training program:

11 (1) 1,000 hours for a student seeking a Class A barber
12 certificate [~~or operator license~~] in a private barber [~~or~~
13 ~~cosmetology~~] school; [~~or~~]

14 (2) 900 hours for a student seeking an operator
15 license in a private cosmetology school; or

16 (3) 900 hours for a student seeking a Class A barber
17 certificate or operator license in a publicly funded barber or
18 cosmetology school.

19 SECTION 5. Section 1603.256(c), Occupations Code, is
20 amended to read as follows:

21 (c) The following persons may administer a practical
22 examination required under this subchapter:

23 (1) the department; [~~or~~]

24 (2) a person with whom the department contracts under
25 Section 1603.252; or

26 (3) a private beauty culture school or a vocational
27 cosmetology program in a public school licensed under this chapter

1 or Chapter 1602.

2 SECTION 6. Section 1603.351, Occupations Code, is amended
3 by adding Subsection (a-1) to read as follows:

4 (a-1) Notwithstanding any other law, the commission may
5 adopt rules to:

6 (1) authorize a school licensed under this chapter,
7 Chapter 1601, or Chapter 1602 to account for any hours of
8 instruction completed under those chapters on the basis of clock
9 hours or credit hours; and

10 (2) establish standards for determining the
11 equivalency and conversion of clock hours to credit hours and
12 credit hours to clock hours.

13 SECTION 7. As soon as practicable after the effective date
14 of this Act, the Texas Commission of Licensing and Regulation shall
15 adopt rules implementing Chapter 1602, Occupations Code, as amended
16 by this Act.

17 SECTION 8. The change in law made by this Act to Section
18 1602.254(b), Occupations Code, applies only to an application for
19 an operator license submitted on or after September 1, 2018. An
20 application for an operator license submitted before that date is
21 governed by the law in effect on the date the application was
22 submitted, and the former law is continued in effect for that
23 purpose.

24 SECTION 9. The change in law made by this Act to Section
25 1603.256(c), Occupations Code, applies to an examination
26 administered on or after the effective date of this Act. An
27 examination administered before the effective date of this Act is

1 governed by the law in effect on the date the examination was
2 administered, and that law is continued in effect for that purpose.

3 SECTION 10. (a) The changes in law made by this Act do not
4 affect the validity of a proceeding pending before a court or other
5 governmental entity on the effective date of this Act.

6 (b) An offense or other violation of law committed before
7 the effective date of this Act is governed by the law in effect when
8 the offense or violation was committed, and the former law is
9 continued in effect for that purpose. For purposes of this
10 subsection, an offense or violation was committed before the
11 effective date of this Act if any element of the offense or
12 violation occurred before that date.

13 SECTION 11. This Act takes effect September 1, 2017.

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

May 24, 2017

TO: Honorable Joe Straus, Speaker of the House, House of Representatives

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB2304 by Guillen (Relating to the regulation of barbering and cosmetology.), **As Passed**
2nd House

No significant fiscal implication to the State is anticipated.

The bill would amend the Occupations Code relating to the regulation of barbering and cosmetology.

The Texas Department of Licensing and Regulation indicates it could absorb the costs associated with the bill within its existing resources.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 452 Department of Licensing and Regulation

LBB Staff: UP, SD, CL, EH, JQ

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

May 20, 2017

TO: Honorable Kelly Hancock, Chair, Senate Committee on Business & Commerce

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB2304 by Guillen (Relating to the regulation of barbering and cosmetology.),
Committee Report 2nd House, Substituted

No significant fiscal implication to the State is anticipated.

The bill would amend the Occupations Code relating to the regulation of barbering and cosmetology.

The Texas Department of Licensing and Regulation indicates it could absorb the costs associated with the bill within its existing resources.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 452 Department of Licensing and Regulation

LBB Staff: UP, CL, EH, JQ

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

May 12, 2017

TO: Honorable Kelly Hancock, Chair, Senate Committee on Business & Commerce

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: **HB2304** by Guillen (Relating to the hours of instruction provided in barbering and cosmetology schools.), **As Engrossed**

No fiscal implication to the State is anticipated.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 452 Department of Licensing and Regulation

LBB Staff: UP, CL, EH, JQ

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

April 13, 2017

TO: Honorable John Kuempel, Chair, House Committee on Licensing & Administrative Procedures

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB2304 by Guillen (Relating to the hours of instruction provided in barbering and cosmetology schools.), **As Introduced**

No fiscal implication to the State is anticipated.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 452 Department of Licensing and Regulation

LBB Staff: UP, CL, EH, JQ